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## PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

**HEARING DATE:** August 30, 2001

**TO:** Orange County Zoning Administrator

**FROM:** Current Planning Services Division

**SUBJECT:** Planning Application PA 01-0058 for a Variance Permit.

**LOCATION:** Panorama Heights area at 12761 Panorama Crest, Santa Ana (Third Supervisorial District)

**APPLICANT:** Denis & Cissy La Roche

**STAFF CONTACT:** James Thue, Project Manager  
Phone: (714) 834-2179 FAX: (714) 834-4652

**SYNOPSIS:** Applicant requests front setback variance of 10' instead of the required 30' for the construction of a new SFD with attached garage and the garage entrance to be 6.5' from the edge of an access easement (left side yard) instead of the required 18'. Current Planning Services Division recommends Zoning Administrator approval of PA 01-0058 subject to findings and conditions.

### BACKGROUND:

The 11,270 square feet site is currently undeveloped with no structures located on the property. The property is on a steep slope and is adjacent to Panorama Place, a street that winds down the hill. The subject property and surrounding properties are zoned 100-E4 "Small Estates". The purpose and intent of the "Small Estates District" is to provide for the development and maintenance of the low-medium density single-family residential neighborhoods in which open spaces and deep setbacks predominate.

### REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site and posted per state law. The proposal was distributed for review and comment to several County divisions for review and comment. Comments have been addressed and the recommended conditions of approval are included within Appendix B.

The proposal was also sent out to the North Tustin Advisory Committee (NTAC). Comments include using landscaping/screening along Panorama Place in order to screen the property from the road. Also, the applicant is to show plans to adjoining property owners to inform them of proposal. These concerns

have been addressed and NTAC has no objections to the project. A copy of the minutes is included in Appendix C.

**CEQA COMPLIANCE:**

The proposed project is Categorically Exempt from the requirements of CEQA (Class 5). Appendix A contains a finding to that effect.

**DISCUSSION/ANALYSIS:**

The applicant desires to build a two story single-family dwelling unit with attached garage on the vacant lot. The home will consist of 2,740 square feet of living space and the garage will constitute 416 square feet. The applicant desires to locate the home in a way in which it will minimize impacts to the surrounding natural landscape. The topography slopes down away from the street. For this reason, the applicant proposes to locate the structure near the street, within the 30' setback. In order to do so, a variance permit is required.

The site is difficult to build on because of the narrow lot size, the steep slope, and the vehicular access off the curve in the road on Panorama Place. Therefore, the applicant is proposing to situate the building site 10' from the front property line. Due to the design of the structure, only a limited amount of grading will be done: 44 cubic yards of fill and 72 cubic yards of cut. The structure will be supported with grade beams and caissons, which will allow the home to follow the natural grade of the slope.

The garage entrance is to be set at 6.5' instead of the required 18' as stipulated by Zoning Code Section 7-9-137.1(a). The applicant has secured an access easement on the adjacent property. The proposal calls for the driveway to be connected to an existing driveway that is currently used by neighbors. If this variance is approved, the driveway will not be excessively long or elevated, as would otherwise be needed, due to the natural sloping conditions of the site. It will also allow for safer traffic conditions, while gaining access to the property. However, the proposed driveway is not in accordance with section 7-9-145.2(e)(5) of the Zoning Code because the average grade from the existing driveway to the proposed garage is greater than 20 percent. After reviewing the plans a determination was made that due to the existing topography, and the existence of other driveways with similar designs in the area, Traffic Review will support the proposed driveway.

**CONCLUSION OR SUMMARY:**

Other homeowners in the neighborhood have applied and received variances for similar projects regarding setbacks. Should this variance be approved, the proposed single-family dwelling will meet the medium to low-density goal of the E4 "Small Estates Districts". The layout of the driveway will create a safer access point for the residence. Approval of this application will not create special privileges for the applicant. Therefore, staff supports approval of this variance provided the applicant agree to the conditions of approval recommended for this project as stated in Appendix B.

**RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA 01-0058 for setback variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief  
CPSD/Site Planning Section

**ATTACHMENTS:**

- Appendix A. Recommended Findings
- Appendix B. Recommended Conditions of Approval
- Appendix C. North Tustin Advisory Committee Minutes

**EXHIBITS:**

1. Applicant's Letter of Explanation
2. Environmental Documentation
3. Project Plans
4. Letters of Approval Signed by Neighbors

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

## **ATTACHMENT C**

### **North Tustin Advisory Committee Minutes**